

1 JOHN O'CONNOR  
2 O'Connor & Associates  
3 One Embarcadero Center, Suite 1020  
4 San Francisco, CA 94111  
5 Telephone: 415-693-9960  
6 Facsimile: 415-981-0222

7 BRUCE A. SINGAL  
8 DAMIEN C. POWELL  
9 Donoghue, Barrett & Singal, P.C.  
10 One Beacon Street  
11 Boston, MA 02108  
12 Telephone: (617) 720-5090  
13 Facsimile: (617) 720-5092

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16 U.S. SMALL BUSINESS  
17 ADMINISTRATION, as Receiver for  
18 PROSPERO VENTURES, L.P.,

19 Plaintiff,

20 v.

21 JOHN W. MURPHY,

22 Defendant.

23 CASE NO. 07-03737 VRW

24 Related Cases:  
25 C07-03739-VRW; C07-03736-VRW;  
26 C07-03738-VRW; C07-03732-VRW;  
27 C07-03741-VRW

28 APPLICATION FOR CONTINUANCE OF  
HEARING ON PLAINTIFF'S MOTION TO  
STRIKE AFFIRMATIVE DEFENSES AND  
MOTION FOR JUDGMENT ON THE  
PLEADINGS

29 The above-captioned matter is currently scheduled to be heard by the Court on Plaintiff's  
30 Motion to Strike Affirmative Defenses and Motion for Judgment on the Pleadings on June 12,  
31 2008 at 2:30 PM. Defendant respectfully requests a one week continuance of the hearing date  
32 until June 19, 2008 at 2:30 PM. As grounds therefore, Defendant states that his attorneys, Bruce  
33 A. Singal and Damien Powell, have a long scheduled arbitration in Massachusetts on June 12,  
34 2008.

1 Defendant's counsel informed Plaintiff's counsel of this conflict. Plaintiff's counsel  
2 subsequently told Defendant's counsel that he had forwarded Defendant's request for a  
3 continuance to his client and would determine whether to file an opposition or notice of no  
4 opposition after hearing back from his client.  
5

6 WHEREFORE, Defendant respectfully requests that this motion for continuance be  
7 granted. Defendant has attached a Proposed Order as Exhibit A.  
8

9 Dated: May 15, 2008

DONOGHUE, BARRETT & SINGAL, P.C.

10 By: /s/ Damien Powell

11 Damien Powell

12 Bruce A. Singal

13 Attorney for Defendant

*Appearance Pro Hac Vice*  
14

15 O'CONNOR & ASSOCIATES

16 John O'Connor

Attorney for Defendant  
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**PROOF OF SERVICE**

I, Damien C. Powell, admitted *pro hac vice* in the United States District Court, Northern District of California, declare:

I am a citizen of the United States of America and a resident of the Commonwealth of Massachusetts. I am over the age of eighteen (18) years. My business address is Donoghue, Barrett & Singal, P.C., 1 Beacon Street, Boston MA 02108. The business address of John O'Connor, Esq., the local counsel to the defendant, is One Embarcadero Center, Suite 1020, San Francisco, California 94111.

On May 15, 2008, I served the foregoing document(s) described as APPLICATION FOR CONTINUANCE OF HEARING ON PLAINTIFF'S MOTION TO STRIKE AFFIRMATIVE DEFENSES AND MOTION FOR JUDGMENT ON THE PLEADINGS on the interested parties, at the addresses as stated below.

**Via First Class Mail:**

**Arlene P. Messinger**  
US Small Business Administration  
409 3rd Street, SW, 7<sup>th</sup> Floor  
Washington, DC 20416  
202-205-6857

**Via Electronic Mail:**

**Christine Jean Levin**  
Coleman & Horowitt, LLP  
499 W. Shaw Avenue  
Suite 116  
Fresno, CA 93704  
559-248-4820  
Email: clevin@ch-law.com

**Darryl J. Horowitt**  
Coleman & Horowitt, LLP  
Attorneys at Law  
499 West Shaw Avenue  
Suite 116  
Fresno, CA 93704  
559-248-4820  
Fax: 559-248-4830  
Email: dhorowitt@ch-law.com

**Via Federal Express Overnight:**

Hon. Vaughn R. Walker  
U.S. District Court, Northern District  
450 Golden Gate Avenue  
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
May 15, 2008, in Boston, Massachusetts.

/s/ Damien Powell

Damien C. Powell